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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,898	01/29/2002	Eiichi Takami	03500.012697.1	5158
5514	7590	12/22/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			LUU, THANH X	
			ART UNIT	PAPER NUMBER
			2878	

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/057,898	TAKAMI ET AL.	
	Examiner	Art Unit	
	Thanh X. Luu	2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-26,28-36 and 55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-26,28-36 and 55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to amendments and remarks filed November 30, 2004. Claims 23-26, 28-36 and 55 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 23-26, 28-32, 35 and 55 are rejected under 35 U.S.C. 102(e) as being anticipated by Crowell et al. (U.S. Patent 5,804,832).

Regarding claims 23-26, 28-32, 35 and 55, Crowell et al. disclose (see Figs. 4 and 5) an imaging apparatus comprising: a photoelectric conversion device (13) having a plurality of substrates (24) each having a plurality of photoelectric conversion elements (26), the plurality of substrates being arranged adjacent each other in a plane, a wavelength converting member (phosphor 74 within 52; see Figs. 5 and 8) arranged on the photoelectric conversion elements over the plurality of substrates, wherein a conductive member (38; see col. 6, lines 35-45) a metal (aluminum) and is grounded. Crowell et al. also disclose (see Fig. 3) a housing (table; see slot underneath surface 18; see also col. 3, lines 60-65) for the photoelectric conversion device and a control circuit (circuitry of 13) and wherein the conductive member is disposed between the

housing and the wavelength converting layer. In addition, Crowell et al. disclose (see Fig. 5) a space formed between the substrate and the conductive member, and an area of the conductive member overlaps the photoelectric conversion elements.

Crowell et al. also disclose (see Figs. 5 and 7) the conductive member is sealed and extends over the outer edges of the substrates as claimed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 33, 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crowell et al.

Regarding claim 36, Crowell et al. disclose the claimed invention as set forth above. Crowell et al. do not specifically disclose the thickness of the metal layer. However, choosing a desired thickness of a layer is design choice and would require only routine skill in the art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a metal layer having a thickness of 100 microns or less in the apparatus of Crowell et al. to reduce the amount of metal used and reduce the costs associated with fabrication.

Regarding claims 33 and 34, Crowell et al. disclose the claimed invention as set forth above. Crowell et al. also disclose (see Figure 7) an adhesive used to seal the device. Crowell et al. do not specifically disclose a resin provided in the space as

claimed. However, resins and adhesives are notoriously well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a resin in the device of Crowell et al. to provide further protection for the device as desired.

Response to Arguments

5. Applicant's arguments filed November 30, 2004 have been fully considered but they are not persuasive.

Applicant asserts that the prior art does not disclose the conductive member disposed between the housing and the wavelength converting member because the conductive member is a lid of the housing itself. Examiner disagrees. The conductive member may be a lid, but it is not a lid of the housing (the table). Figure 3 shows a table having a slot into which the device (13) is being housed; the table is the housing. As such, a top surface of a housing (the table) is above the conductive member. Thus, (see Figs. 5 and 8) the conductive member (38) is between the housing (table/top surface of table) and the wavelength converting member (74; within 52) as claimed.

Thus, as set forth above, this rejection is proper.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is 571-272-2441. The examiner can normally be reached on M-F 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thanh X Luu
Primary Examiner
Art Unit 2878